

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA

FILED
for Danville
SEP 14 2005

JOHN F. GORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

SHIRLEY BARKSDALE,

) CASE NO. 4:04CV00008

Plaintiff

)

v.

) REPORT AND RECOMMENDATION

JO ANNE B. BARNHART
Commissioner of Social Security,

) By: B. Waugh Crigler
U. S. Magistrate Judge

Defendant

)

It has come to the undersigned's attention that action already has been taken on plaintiff's previous request for attorney's fees, and therefore, it is, hereby

R E C O M M E N D E D

that the Plaintiff's Motion for Attorney's Fees filed on September 12, 2005 should be DISMISSED as duplicative without the need for the Commissioner to respond.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual

recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


Judge

9/14/05

Date